IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3300 OF 2007

...

Mr.C.D.Joshi ...Petitioner

v/s.

State of Maharashtra & ors. ...Respondents

...

Mr.Ajay Panicker for the Petitioner.
Mr.R.S.Tripathi for Respondent No.7.
Mr.A.H.Palekar, AGP for State.

...

**CORAM: D.K.DESHMUKH** &
V.M.KANADE, JJ.

**DATED:** 27TH NOVEMBER, 2007

**P.C.:**

1. The Petitioner by this Petition seeks a writ of mandamus directing the Registrar to implement the

award made by the Co.operative Court.

2. Perusal of the award made by the Co.operative Court shows that it is passed in a dispute filed by the Respondent No.1-Co.operative Housing Society and in that award directions have been issued against the opponents and in favour of the disputant. The Petitioner admittedly was not the disputant before the Co.operative Court.

3. The learned Counsel appearing for the Petitioner on being pointed out that because the Petitioner is not the disputant before the Co.operative Court he will not have the locus-standi to file the present petition, the learned Counsel pointed out that he was the member of the managing committee of the society appointed by the Registrar and it is he who has verified the dispute.

4. In our opinion, that the Petitioner has verified the dispute will not make him the disputant. The Co.operative society has been declared by the Maharashtra Co.operative Society to be a body corporate capable of being sued and capable of suing in its own name. Therefore, the person who signs the

petition on behalf of the Co.operative Housing society will not become the disputant. As the Petitioner is not admittedly disputant before the Co.operative Society, he does not have locus to file the present petition. Petition is, therefore, rejected.

(D.K.DESHMUKH, J.)

(V.M.KANADE, J.)